

**State of North Carolina
Request for Applications**

RFA # 9

Title: **Legislative and Rule Analysis for Consumer-Directed Supports**

Funding Agency: NC Division of Mental Health, Developmental Disabilities, and Substance Abuse Services
3005 Mail Service Center
325 North Salisbury Street
Albemarle Building, Room 612G
Raleigh, NC 27699-3005

Issue Date: April 8, 2004

IMPORTANT NOTE: Indicate agency or organization name and RFA number on the front of each application envelope or package, along with the date for receipt of applications specified below.

Applications, subject to the conditions of this RFA, will be received until 5:00 p.m., May 5, 2004, for furnishing services described in this RFA.

SEND ALL PROPOSALS DIRECTLY TO THE FUNDING AGENCY AT THE ADDRESS SHOWN BELOW.

Direct all inquiries concerning this RFA to:

Division of Mental Health, Developmental
Disabilities and Substance Abuse Services
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3005 Mail Service Center
Raleigh, NC 27699-3005
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NOTE: Questions concerning the specifications in this Request for Applications will be received in writing until 2:00 p.m. on April 21, 2004. A summary of all questions and answers will be posted on the Department of Health and Human Services (DHHS) and Division of Mental Health, Developmental Disabilities and Substance Abuse web sites by 5:00 on April 23, 2004.

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1.0. Introduction

The North Carolina Department of Health and Human Services (DHHS), Office of Long Term Care and Division of Mental Health, Developmental Disabilities and Substance Abuse Services (hereinafter referred to as “DMHDDSAS”) are soliciting sealed proposals from qualified Applicants to perform work in the following work area:

- Analyze legislation, rules and policy of the Department of Health and Human Services in order to determine barriers to consumer-directed supports, and to make detailed recommendations regarding language that needs to be added or amended that will allow consumer-directed supports. Consumer-directed supports can be defined as:
 - Consumer authority and responsibility over decisions regarding the development of an individual budget that supports implementation of the individual's plan of services and supports;
 - Control over one's own individual planning process and, in particular, decisions affecting the nature of the services and supports one receives and how they are delivered; and
 - The support necessary to ensure that the individual is able to personally manage services received and to make informed choice, based on comprehensive information about available options, including individually customized services and supports.

Note: “Consumer directed supports” is also known by other titles, including self-directed supports, self-determination, and independent living. For purposes of this document, “consumer-directed” also includes authority and responsibility for direction of services and supports by parents of minor children.

2.0. Background

This RFA is being submitted to carry out an activity required under a federal grant award received by the Department of Health and Human Services (DHHS) through the Centers for Medicaid and Medicare Services in its “Systems Change” grants. The Community-Integrated Personal Assistance Services and Supports (CPASS) grant is designed to advance the system of services and supports for individuals who have disabilities or long term illnesses by developing the capacity to respond to consumer desire for choice and control with their services and supports. The Centers for Medicaid and Medicare Services is putting new emphasis on community based services and on consumer control and direction. Within the last few years it has designed “Independence Plus” templates that allow for waiver services to be delivered in such a way as to promote more consumer direction.

As is the case with many other states, legislation and administrative rules have been developed in the past for DHHS agencies and programs with the presumption that services and supports are best delivered through a facility and agency-based structure. While the Department has been moving toward an overall philosophy of more individualized services and supports in homes and communities, the Department’s financing, staffing, licensing, and quality management structures all continue to reflect a facility and agency-based structure of services. Legislation, administrative rules, policies and procedures are developed with this framework and therefore are sometimes not conducive to consumer direction in services and supports. North Carolina needs to examine its statutes and rules in order to align its practices toward more consumer-directed services and supports. Through the CPASS grant, North Carolina will assess relevant fiscal and regulatory policies and recommend statutory and rule changes based on the findings and analysis.

The Centers for Medicaid and Medicare Services have determined several key components that must be present for consumer directed supports under the Independence Plus templates. These components are considered to be critical to the success of consumer-directed supports. They are:

Person-Centered Planning—a planning process that operationalizes the philosophy of giving choice and control to individuals, with full integration of the individual in the development, implementation and management of services and supports. It focuses on the individual's development of personal relationships, positive roles in community activities, and self-empowerment skills. It encompasses a scope of services that addresses the whole individual.

Individual Budget—a budget that represents the funds available to the individual for him/her to use to accommodate needs and arrange services. States determine the Individual Budget using a consistent methodology to calculate the resources available to each participant, based on reasonable and definable data. The consumer determines how to use the individual budget for services and supports through a person-centered planning approach.

Supports Brokerage (depending on the state, can also be referred to as case manager, care advisor, counselor, etc.)—a broadly defined service that is designed to assist a participant in a self-directed program to manage an individual budget and to locate, access and coordinate needed resources and services. A supports broker is a person or organization that serves as a link between the participant and the services and supports selected by the individual. A supports broker is a personal agent who works on behalf of the participant and that participant's circle or support network, and under the direction of the participant and/or his representative.

Financial Management Services—services that assist individuals and/or their representatives to manage their individual budget and aid in performing a number of employer-related tasks. Financial management services can range from strictly fiscal tasks such as performing payroll, withholding, filing and depositing taxes for an individual who is designated the employer of record and hires his/her own staff, or may be considered the employer of record for the consumer while the consumer has most of the day-to-day managerial responsibilities for the staff.

Participant Protections—protections including at a minimum, (a) individual back-up plans as part of the person-centered plan; (b) back up emergency plans or systems for consumers; (c) monitoring activities over individual budgets; (d) a critical event or incident system; and (e) criminal background checks available to participants at no cost.

Quality Management—efforts to (a) design quality to the health and welfare of participants; (b) discover, in a timely fashion, threats to participant health and welfare; (c) address, in a timely fashion, such threats; and (d) systematically review the quality of the delivery program, identify shortcomings, and make needed improvements.

The analysis of legislation, rules and policy will be based on the framework identified by CMS as necessary for consumer-directed supports. This will lay a foundation for implementation of consumer-directed supports in North Carolina's system of services and supports.

3.0. Scope of Work

The CPASS Grant will fund one organization or agency to perform all functions described in this scope of work. Applicants must be a private non profit organization, college or university, or local unit of government. Applicants may apply for up to \$110,000. Applications are awarded by an evaluation process to determine responses in the best interest of the State.

Goal: The Contractor shall perform an effective, comprehensive, coordinated review of legislation, policy and other documents delineated herein to identify policy that prevents consumers in North Carolina from accessing supports in a consumer-directed way. The Contractor shall recommend policy, within a regulatory environment, to permit consumer-directed service options while maintaining appropriate safeguards for individual health and welfare and system accountability.

- A. The Contractor shall participate in a one-day introductory meeting in Raleigh, NC, on a date in early July and at a time and place to be determined and announced by DMHDDSAS with input from the Contractor and other Divisions in the Department of Health and Human Services. This meeting will include staff of the Division of Aging and Adult Services, Division of Vocational Rehabilitation, DMHDDSAS, Division of Medical Assistance, Division of Services for the Blind, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, and Office of Long Term Care. During this meeting, DMHDDSAS staff and others will exchange information with the Contractor in support of the contract and outcomes to be achieved. Nothing said at this or subsequent meetings under this contract shall change the contract or obligations of the parties without an amendment signed by authorized staff of the parties.

Following the introductory meeting, the Contractor shall meet with staff of each of the divisions separately. Parties at these meetings shall develop a schedule of work for the analysis of legislation, policy, and rules pertaining to each division's services and supports in regard to the ability to provide consumer directed supports. Dates, times and places will be determined by DMHDDSAS with input from the Contractor and other divisions, and will be scheduled at a date and place in close proximity with the date and place of the introductory meeting.

➤ Schedule of work to be completed and delivered by August 15, 2004.

- B. The Contractor shall report on a complete analysis of pertinent statutes, fiscal and administrative rules, regulations, and policies in regard to consumer directed supports, utilizing the "Policy Questions in Regard to Consumer-Directed Supports" (see Attachment 1) tool or another similar tool proposed by the Contractor with prior written approval of the Division. The analysis shall include any identification of inconsistencies in policy across the Department and within divisions. The review and analysis shall include, but not be limited to, relevant portions of the following statutes, rules and other policies and procedures that pertain to or have the potential to create barriers to consumer-directed services:

- North Carolina General Statutes—
 - GS 143B (governing the Department of Health and Human Services and its Divisions, including Aging Services and Blind Services)
 - GS 143-545.1 (governing Vocational Rehabilitation)
 - GS 122C (governing Mental Health, Developmental Disabilities and Substance Abuse Services)
 - GS 108A (governing Social Services)
 - GS 90-171; Nursing Practice Act
- Note: NC General Statutes can be found at website <http://www.ncleg.com/>

- Administrative Rules
 - 10A NCAC, Chapters 5-6 (Aging)
 - 10A NCAC, Chapters 26-31 (Mental health, Developmental Disabilities, Substance Abuse Services)
 - 10A NCAC, Chapter 63 (Blind Services)
 - 10A NCAC, Chapters 67 and 71 (Adult and Family Services)
 - 10A NCAC, Chapter 89 (Vocational Rehabilitation)
 - 21 NCAC 36 .0400 (Unlicensed Personnel: Nurse Aides)

Note: Administrative Rules can be found at web site <http://www.oah.state.nc.us/rules>.
Rule review involve 10A NCAC, Chapters 21-22 (Medical Assistance).
- Policies or procedures that provide further guidance or interpretation or additional instruction pertaining to the statutes and rules, or that govern other services not otherwise in statutes or rules:
 - CAP-DA Medicaid Waiver and Manual; Community Care Manual, Section 12 (CAP-DA) can be found at website <http://www.dhhs.state.nc.us/dma/cc.htm>
 - CAP-MRDD Medicaid Waiver and Manual; CAP-MRDD Manual can be found at website <http://www.dhhs.state.nc.us/mhddsas/developmentaldisabilities/operations>
 - CAP-AIDS Medicaid Waiver and Manual; Manual can be found at <http://www.dhhs.state.nc.us/dma/cc/10.pdf>
 - CAP-C Medicaid Waiver and Manual; Manual can be found at <http://www.dhhs.state.nc.us/dma/cc/11.pdf>
 - State Medicaid Plan; can be found at <http://www.cms.hhs.gov/medicaid/stateplans/toc.asp?state=NC>
 - Service definitions of MHDDSAS, Division of Aging, and Division of Vocational Rehabilitation will be provided upon contract award
 - Policies and Procedures pertaining to Home Health and Personal Care Services
 - Note: Community Care Manual, Section 5, Home Health Services, and Section 6, Personal Care Services, can be found at website <http://www.dhhs.state.nc.us/dma/cc.htm>
 - Communication Bulletins regarding implementation of the DMHDDSAS State Plan
 - Note: Communication Bulletins can be found at website <http://www.dhhs.state.nc.us/mhddsas/stateplanimplementation/>

- C. At the discretion of the Division, portions of this analysis may be conducted off-site; however, the contractor should be prepared to conduct discussions on-site in Raleigh, NC or via telephone conference with designated staff from the Division of Aging, Division of Vocational Rehabilitation, DMHDDSAS, Division of Services for the Blind, and Division of Medical Assistance. Such on-site meetings, and/or telephone conference calls will facilitate the discussion of implementation issues from the contractor analysis and disseminate information pertaining to drafted changes to legislation, rules, policies or procedures. The contractor should estimate up to quarterly on-site meetings and monthly phone calls.
- D. The Contractor's initial report will include and support recommended changes to North Carolina General Statutes, providing recommended language for revisions, including proposed deletions and amendments for all documents reviewed. It will include a brief summary of findings, recommendations, defense of the recommendations, and an executive summary. The draft report is due in electronic format to DMHDDSAS no later than September 30, 2004. DMHDDSAS will forward the report to staff of the pertinent Divisions, and the Community-Integrated Personal Assistance Services and Supports (CPASS) Advisory Committee for review at its October 2004

meeting. DMHDDSAS will forward input derived from this meeting to the Contractor by October 31, 2004 for incorporation into the final report on legislation, due November 30, 2004.

- Draft of report due September 30, 2004

- Final report with Executive Summary November 30, 2004

Analysis of legislation takes priority due to the convening of the North Carolina General Assembly in January 2005.

E. The Contractor's second draft report will include recommended changes to Administrative Rules, and policies and procedures delineated in Section C. above, providing recommended language for revisions, including proposed deletions and amendments for all documents reviewed. The draft report is due in electronic format to DMHDDSAS no later than March 30, 2005. The draft will be distributed to pertinent Divisions, and the CPASS Advisory Committee for review at its April 2005 meeting. Input will be forwarded to the Contractor by May 15, 2005 for incorporation into the final report as identified in G. below.

- Draft report due March 30, 2005

F. The Contractor shall submit a final report, incorporating the Legislative Report identified in E. and the draft report of Administrative Rules and other policies identified in F. The report will include a summary of findings, comprehensive and specific recommendations regarding changes to allow for consumer direction and autonomy, a justification and defense of the recommendations, and an executive summary. The final report is due from the Contractor to the Division and to be received by the Division no later than June 30, 2005.

Indicators

Approved written schedule of work, due August 15, 2004, as referenced in section A.

Draft report, referenced in Section D, due September 30, 2004

Draft report, referenced in Section E, due March 31, 2005

Deliverables

Final report, referenced in Section D, due November 30, 2004

Final report, referenced in Section F, due June 30, 2005

4. 0. Qualifications for Accomplishing Scope of Work

4.1. Qualified Agency

The Applicant must be a private non profit organization, college or university, or local unit of government. Non profit agencies need to submit IRS certifications.

4.2. Background Information

The Applicant should indicate any qualifications, certifications, or experience that render the organization capable of performing these stated tasks. The Applicant should provide background information on the organization and describe the qualifications for each individual proposed for this work.

The Applicant should summarize experience with the following:

- A basic understanding of the concepts of consumer-directed supports as described above.
- Experience in reviewing and analyzing legislation, policy and rules in a human services field.
- The Applicant must be able to show that it has produced at least one analysis and report analyzing legislation, policy or rules.

4.3. North Carolina and Other State Experience and References

The Applicant must describe all project experience in North Carolina or other states with similar program operations. Applicant must provide the name, address, and telephone number for each project in the last three years and a list of references (minimum of 3), including contact persons and telephone numbers, for whom work has been performed. Subcontractors must also supply this information. The Applicant will include sample pages or Executive Summaries of reports that are similar in nature to what is being requested in this RFA with information about where the full reports can be obtained, including references to websites (if available) where the reports can be accessed. (The CPASS Advisory Committee does not wish to receive large reports to review, only evidence and examples of them.)

5.0. The Procurement Process

The following is a general description of the process by which an agency or organization will be selected to complete the goal or objective.

- 5.1. This RFA is being sent to prospective agencies and organizations, and is posted on the web sites for the Division of Mental Health, Developmental Disabilities and Substance Abuse Services, and the Department of Health and Human Services.
- 5.2. Written questions concerning the RFA specifications will be received until the date and time specified on the cover sheet of this RFA. A summary of all questions and answers will be posted on the Department of Health and Human Services (DHHS) and Division of Mental Health, Developmental Disabilities and Substance Abuse web sites.
- 5.3. Applications in **one original and nine copies** will be received from each agency or organization. The original must be signed and dated by an official authorized to bind the agency or organization.
- 5.4. All applications must be received by the funding agency not later than the date and time specified on the cover sheet of the RFA. Faxed applications will not be accepted.
- 5.5. At that date and time the applications from each responding agency and organization will be logged in. Budgets will be included as part of the application.
- 5.6. At their option, the evaluators may request additional information from any or all applicants for the purpose of clarification or to amplify the materials presented in any part of the application. However, agencies and organizations are cautioned that the evaluators are not required to request clarification; therefore, all applications should be complete and reflect the most favorable terms available from the agency or organization.

- 5.7. Applications will be evaluated according to completeness, content, experience with similar projects, ability of the agency's or organization's staff, cost, etc. The award of a grant to one agency and organization does not mean that the other applications lacked merit, but that, all facts considered, the selected application was deemed to provide the best service to the State.
- 5.8. Agencies and organizations are cautioned that this is a request for applications, and the funding agency reserves the unqualified right to reject any and all applications when such rejections are deemed to be in the best interest of the funding agency.

6.0. General Information on Submitting Applications

6.1. Award or Rejection

All qualified applications will be evaluated and award made to that agency or organization whose combination of budget and service capabilities is deemed to be in the best interest of the funding agency. The funding agency reserves the unqualified right to reject any or all offers if determined to be in its best interest. The successful applicant will be notified by May 28, 2004.

6.2. Decline to Offer

Any agency or organization that receives a copy of the RFA but declines to make an offer is requested to send a written "Decline to Offer" to the funding agency. Failure to respond as requested may subject the agency or organization to removal from consideration of future RFAs.

6.3. Cost of Application Preparation

Any cost incurred by an agency or organization in preparing or submitting an application is the agency's or organization's sole responsibility; the funding agency will not reimburse any agency or organization for any pre-award costs incurred.

6.4. Elaborate Applications

Elaborate applications in the form of brochures or other presentations beyond that necessary to present a complete and effective application are not desired.

6.5. Oral Explanations

The funding agency will not be bound by oral explanations or instructions given at any time during the competitive process or after awarding the grant.

6.6. Reference to Other Data

Only information that is received in response to this RFA will be evaluated; reference to information previously submitted will not suffice.

6.7. Titles

Titles and headings in this RFA and any subsequent RFA are for convenience only and shall have no binding force or effect.

6.8. Form of Application

Each application must be submitted on the form provided by the funding agency, and will be incorporated into the funding agency's contract.

6.9. Exceptions

All applications are subject to the terms and conditions outlined herein. All responses will be controlled by such terms and conditions. The attachment of other terms and condition by any agency and organization may be grounds for rejection of that agency or organization's application. Funded agencies and organizations specifically agree to the conditions set forth in contract.

6.10. Advertising

In submitting applications, agencies and organizations agree not to use the results therefrom or as part of any news release or commercial advertising without prior written approval of the funding agency.

6.11. Right to Submitted Material

All responses, inquiries, or correspondence relating to or in reference to the RFA, and all other reports, charts, displays, schedules, exhibits, and other documentation submitted by the agency or organization will become the property of the funding agency when received.

6.12. Competitive Offer

Pursuant to the provision of G.S. 143-54, and under penalty of perjury, the signer of any application submitted in response to this RFA thereby certifies that this application has not been arrived at collusively or otherwise in violation of either Federal or North Carolina antitrust laws.

6.13. Agency and Organization's Representative

Each agency or organization shall submit with its application the name, address, and telephone number of the person(s) with authority to bind the agency or organization and answer questions or provide clarification concerning the application.

6.14. Subcontracting

Agencies and organizations may propose to subcontract portions of work provided that their applications clearly indicate the scope of the work to be subcontracted, and to whom. All information required about the prime grantee is also required for each proposed subcontractor.

6.15. Proprietary Information

Trade secrets or similar proprietary data which the agency or organization does not wish disclosed to other than personnel involved in the evaluation will be kept confidential to the extent permitted by NCAC TO1: 05B.1501 and G.S. 132-1.3 if identified as follows: Each page shall be identified in boldface at the top and bottom as "CONFIDENTIAL." Any section of the application that is to remain confidential shall also be so marked in boldface on the title page of that section.

6.16. Participation Encouraged

Pursuant to Article 3 and 3C, Chapter 143 of the North Carolina General Statutes and Executive Order No. 77, the funding agency invites and encourages participation in this RFA by businesses owned by minorities, women and the disabled including utilization as subcontractor(s) to perform functions under this Request for Applications.

6.17. Contract

Expenditures can begin on or after July 1, 2004, upon receipt of a completely signed contract.

Please be advised that the successful applicant may be required to have an audit in accordance with G. S. 143-6.1 as applicable to the agency or organization's status. Also, the contract may include assurances the successful applicant would be required to execute when signing the contract. Agencies or organizations receiving Federal funds are required to execute a certification regarding Lobbying and Debarment, and if applicable a Drug Free Workplace Requirements and/or Environmental Tobacco Smoke assurance. Private not for profit agency contracts would also include a conflict of interest policy statement.

7.0. Assembling the Application

Assemble the Application in the following order. Use a staple or binder clip at top left corner on each copy of the application. Number each page consecutively beginning with the Application Face Sheet.

Application Face Sheet

Narrative Description of Items in Numbers I-V in the Application format

Budget

Indirect Cost Approval Letter if charge is included in Indirect Cost section (L) of Budget

Verification of IRS status, if applicable to the status of the agency/organization

Subcontractor Questionnaire, if applicable

**Application for Legislative and Rule Analysis for Consumer-Directed Supports
Face Sheet**

Name of Agency: _____

Agency Status: () Public () Private , Non-Profit () Private, For Profit

Agency Federal Tax ID Number: _____

Name and Title of Contract Administrator: _____

Mailing Address: _____

Physical Address (if different from above): _____

Telephone Number: _____

Fax Number: _____

Email Address: _____

Agency's Financial Reporting Year _____ **through** _____

Proposed Budget Amount for this Application _____

**Signature of individual who is authorized to legally bind the applicant agency/organization,
confirming its support of this application:**

Name

Title

Signature

Date

Note: All copies of the applications submitted will be retained by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMHDDSAS) and will not be returned. By submitting the application, the applicant gives the DMHDDSAS permission to disclose the name of the recipient to the media and other interested parties if the application is selected for funding.

Submission Requirements: All application material must be typed (no hand-written materials) in a font size of 11 or larger. Each page for narrative items (all items except the budget form) must be prepared on 8 ½ by 11 paper, have set margins of 1” (top/bottom, left/right), with single-spaced lines.

All proposals must address the following items. Each of the following content areas must begin on a separate page and be labeled with the same heading as listed below. The point value that the evaluation team will be using to score the application is indicated.

- I. Abstract [x points]:** Describe the overall project (Limit: 1 page)
- II. Plan for Accomplishing the Goal—how the organization will carry out activities as described in the Scope of Work [total 40 points]:**
 - Plan for reviewing Legislation, Rules and Policies—10 points
 - Plan for analyzing legislation, rules and policies against consumer directed supports concepts and their application to service systems—10 points
 - Plan for analyzing the application of legislation, rules, and policies in North Carolina as they affect the ability to allow for consumer directed supports—10 points
 - Plan for determining detailed recommendations and developing reports—10 points
- III. Staff Qualifications to carry out the plan (based on years and depth of experience; includes proposed subcontractors) [total 30 points]:**
 - Experience with legislative and rule analysis in a human service field—7 points
 - Understanding of the Concepts of Consumer Directed supports—7 points
 - Understanding of the Application of Consumer Directed Supports in state and local public systems—7 points
 - Experience in working with consumer committees—3 points
 - Knowledge of (1)aging, (2)physical disability, and (3)developmental disabilities/mental health/substance abuse services—6 points
- IV. Organization Qualifications [total 14 points]:**
 - Project experience in the last three years similar to what is being requested in the RFA—7 points
 - Evidence of producing written reports with detailed recommendations—7 points
- V. Budget and Fiscal Accountability [total 16 points]:**
 - Description of how the organization will assure financial accountability for funds through this contract—3 points
 - Budget narrative provides a complete explanation of the proposed budget and is proportionate to the proposed plan for achieving the scope of work—10 points
 - Budget template is complete and correct—3 points (see Attachment II for template)